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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA
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11 RICHARD P. WELLS, For Himself
12 And In His Representative Capacity
13 As Administrator of the Estate of
Marilyn Wells, Decedent, and As
Guardian of His Minor Children,

14 Plaintiff,

15 vs.

16 CALIFORNIA PHYSICIANS'
17 SERVICE, dba BLUE SHIELD OF
CALIFORNIA,

18 Defendants.
19

Case No. C 05 1229 CRB

**STIPULATION AND [PROPOSED]
ORDER CONTINUING
SETTLEMENT CONFERENCE**

Settlement Conference:

Date: July 24, 2007

Time: 9:30 a.m.

Place: Courtroom A

20 IT IS HEREBY STIPULATED by and between plaintiff Richard P. Wells, in
21 his individual capacity, as administrator of the Estate of Marilyn Wells, decedent,
22 and as guardian of his minor children ("Plaintiff") and defendant California
23 Physicians' Service, dba Blue Shield of California's ("Blue Shield"), through their
24 respective counsel of record, as follows:

25 WHEREAS, a Settlement Conference in the above-captioned matter is
26 currently scheduled for 9:30 a.m. on July 24, 2007;

27 WHEREAS, the Court denied Blue Shield's motion for summary judgment
28 based on Plaintiff's standing in an order dated March 26, 2007;

1 WHEREAS, Plaintiff's Counsel has been under medical care for Coronary
2 Artery Disease since 1980 and for Type 2 diabetes since 1991. He has had
3 quintuple by-pass surgery in 1981, quadruple by-pass surgery in 1991 and
4 angioplasties and stent procedures in 1999, 2001, 2004 and 2005. In 2004, after
5 suffering coronary arrest, he had an internal defibrillator implanted, and in 2005,
6 that defibrillator was replaced. In late November, 2006, his right coronary artery
7 bypass graft occluded, and that is now inoperable. Nonetheless, he has continued to
8 practice law with the help of his physicians and the best medical care he can obtain;

9 WHEREAS from early February, 2007 until June 30, 2007, Plaintiff's
10 Counsel experienced symptoms of diabetes and congestive heart failure, including
11 hypoglycemia, edema, shortness of breath, heart palpitations, and fatigue
12 preventing him, among other things, from traveling by air, and has been under
13 medical care for all of these symptoms and conditions which it is now known were
14 caused in part by side effects from prescribed medications;

15 WHEREAS, because of such symptoms and conditions, Plaintiff's Counsel
16 has been unable to conduct the contemplated discovery in this case;

17 WHEREAS, Plaintiff's Counsel and his physicians have now modified his
18 drug regimen so as to alleviate materially the adverse side effects of his
19 medications;

20 WHEREAS, Plaintiff's Counsel is now able to travel and carry on a
21 reasonably full schedule, including conducting the contemplated discovery;

22 WHEREAS, the parties continue to believe that additional discovery and
23 depositions should be conducted before continuing to pursue settlement in this
24 action;

25 WHEREAS, the parties intend to conduct significant discovery and
26 depositions during the next 90 days;

1 NOW, THEREFORE, and based upon the above recitals, it is hereby agreed
2 and stipulated by the parties hereto, through their respective attorneys of record,
3 that:

4 1. The Settlement Conference presently scheduled for 9:30 a.m. on July
5 24, 2007 is continued to October 25, 2007 at 9:30 a.m., or such other later time as
6 Magistrate Judge Spero may direct.

7 IT IS SO STIPULATED.

8 MANATT, PHELPS & PHILLIPS, LLP
9 GREGORY N. PIMSTONE
10 ADAM PINES
11 TRAVIS A. CORDER

12 Dated: July 19, 2007

By: s/ Adam Pines

Adam Pines
Attorneys for Defendant
CALIFORNIA PHYSICIANS' SERVICE,
dba BLUE SHIELD OF CALIFORNIA

15 BENJAMIN FRANKLIN LEGAL
16 FOUNDATION

17 Dated: July 19, 2007

By: s/ James B. Rhoads

James B. Rhoads
Attorney for Plaintiff
RICHARD P. WELLS

19
20 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding*
21 *signatures, Adam Pines hereby attests that concurrence in the filing of this*
document has been obtained.

22 **ORDER**

23 IT IS SO ORDERED.

24 Date: July 23, 2007

25 41138380.1

United States District Judge

